



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

June 28, 2004

LETTER OF DEFICIENCY #WSEB 04-084
Certified Mail# 7000 0600 0023 9933 3441

Norman Martin
DSM Realty
875 East Street
Tewksbury MA 01876

Subject: Public Water System: Lee - Lee Market Place; EPA #1336020
Sample Site: "502/Tap After Treat/002 also 001 & 003 if on"

Dear Mr. Martin:

The records of the Department of Environmental Services (DES) show that the Lee Market Place system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days a year. As such, the PWS owner is required to submit chemical samples according to the system's established sampling schedule to the State Laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326.

The current enforceable maximum contaminant level (MCL) for arsenic is 0.05 mg/L. For systems on quarterly monitoring, compliance with the arsenic MCL is determined by calculating the system's running annual average (RAA), which is the average of all arsenic samples collected in the past 12 months. Lee Market Place water system's Quarter-2, 2004 arsenic sample result of 0.071 mg/L causes the system's arsenic RAA to be 0.09 mg/L. As such, the system has exceeded the arsenic MCL and therefore a violation has occurred.

DES believes the MCL violation can be corrected and future violations prevented by taking the following actions:

Continue to provide appropriate alternate (*i.e.* bottled) water at areas accessible to consumers until the violation is corrected. Two Notices of Violation dated December 9, 2003, and March 3, 2004, were sent to you (copies enclosed) requiring that you provide alternate water to customers for consumptive needs for as long as the RAA exceeds the MCL. If bottled water is used, the source must be an approved source, monitored in accordance with Env-Ws 389; and

July 16, 2004 send written confirmation to DES that alternate water is being provided to consumers; and

By July 26, 2004, provide public notice to all consumers following the guidelines in the enclosed public notice handout. Provide proof of public notice to this office within 10 days of issuing the public notice. Continue providing public notice **each calendar quarter** for as long as the exceedence occurs; and

4. **By July 30, 2004**, retain the services of a qualified consultant to address the water quality violation and notify DES, in writing, of the name of the consultant hired. The consultant should review all existing water quality data prior to making recommendations for correcting the MCL violation; and

5. By August 27, 2004, submit to DES for approval the consultant's report, which shall contain the consultant's recommendations, along with an implementation schedule to correct the MCL violation. DES must approve the consultant's report/recommendations, the maintenance schedule, and the proposed implementation schedule prior to any work being done on the system; and
6. By the DES-approved correction date, correct the violation as approved by DES. Notify DES in writing of the correction(s) taken; and
7. Sample in accordance with your Master Sampling Schedule which is enclosed.

Please note, the Arsenic MCL was lowered from 0.050 mg/L to 0.01 mg/L, effective January 22, 2004. Pursuant to Env-Ws 316.01(g), an existing public water system is required to **meet the new MCL by January 22, 2006.**


In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The written report as requested above should be addressed as follows:

Alan Leach
Department of Environmental Services
Water Supply Engineering Bureau
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Selina J. Makofsky by phone at (603) 271-4109 or email at smakofsky@des.state.nh.us, or Alan Leach by phone at (603) 271-2854 or email at aleach@des.state.nh.us should you have any questions about the requirements listed in this letter.

Sincerely,


Rene Pelletier, P.G., Manager
Land Resource Programs

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Enc. Notice of Violation dated December 9, 2004
Notice of Violation dated March 3, 2004
Master Sampling Schedule
Arsenic Fact Sheet

cc: Gretchen R. Hamel, Administrator, DES Legal Unit
Stanley Oliver, Yankee Pump & Filter Co
Town of Lee Health Officer (w/o enc.)
Dave Gordon, DHHS Health Risk Assessment Bureau (w/o enc.)
Scott Clang, NeRWA (w/o enc.)
US EPA Region 1 (w/o enc.)